

Commercial Motor Vehicles

Definition: *Commercial motor vehicle* means any self-propelled or towed motor vehicle used on a highway in interstate commerce to transport passengers or property when the vehicle --

- (1) Has a gross vehicle weight rating or gross combination weight rating, or gross vehicle weight or gross combination weight, of 4,536 kg (10,001 pounds) or more, whichever is greater; or
- (2) Is designed or used to transport more than 8 passengers (including the driver) for compensation; or
- (3) Is designed or used to transport more than 15 passengers, including the driver, and is not used to transport passengers for compensation; or
- (4) Is used in transporting material found by the Secretary of Transportation to be hazardous under 49 U.S.C. 5103 **and transported in a quantity requiring placarding** under regulations prescribed by the Secretary under 49 CFR, subtitle B, chapter I, subchapter C.

Vehicles with a GVWR of 10,001—26,000 lbs

DOT Registration	Required
Commercial Driver License	Not Required*
Vehicle Markings	Required—In addition to legal name and USDOT #, there are new special markings requirements for trucks making deliveries and parking in public areas in NYC — the vehicle must have the owner’s name in addition to the lessee’s
Special Safety Equipment and Inspections	New MA Commercial Vehicle Inspection required in lieu of Federal Annual Inspection with copy of inspection report in vehicle
Medical Certificate & Valid Driver’s License	Required to be carried by driver
Substance & Alcohol Testing:	Not Required*
Financial Responsibility	Required of for-hire motor carriers transporting property interstate—See 49 CFR 387

Vehicles with a GVWR of 26,001 lbs or higher

DOT Registration	Required
Commercial Driver License	Required with appropriate license class for vehicle size and weight
Vehicle Markings	Required—In addition to legal name and USDOT #, there are new special markings requirements for trucks making deliveries and parking in public areas in NYC — the vehicle must have the owner’s name in addition to the lessee’s
Special Safety Equipment and Inspections	New MA Commercial Vehicle Inspection required in lieu of Federal Annual Inspection with copy of inspection report in vehicle
Medical Certificate & Valid Driver’s License	Required to be carried by driver
Substance & Alcohol Testing	Required—including scientifically-based random testing plus testing for pre-employment, post-accident and other situations See 49 CFR 382 and 40
Financial Responsibility	Required of for-hire motor carriers transporting property interstate See 49 CFR 387

*Exceptions: Vehicles carrying placardable amounts of hazardous materials and vehicles carrying 16 passengers (including driver)

Applies to All Commercial Motor Vehicles

11-Hour Driving Rule [§395.3\(a\)](#)

All time spent at the driving controls of a commercial motor vehicle in operation is considered driving time. A driver operating in interstate commerce cannot *drive* a property-carrying commercial motor vehicle for more than 11 hours following 10 consecutive hours off duty.

Exceptions exist for: Adverse driving conditions ([395.1\(b\)](#))

14-Hour On-Duty Rule [395.3\(a\)](#)

The purpose of this hours-of-service rule, as with the 11-hour driving rule, is to keep fatigued drivers off the highways. The 14-hour rule prohibits the driver of a property-carrying commercial motor vehicle, operating in interstate commerce, from *driving* after the 14th consecutive hour after first coming on duty following 10 consecutive hours off duty.

The 14-hour period is *consecutive* — it includes all on-duty and off-duty time accrued after coming on duty. Of those 14 hours, 11 may be spent driving.

The 14-hour rule is often misunderstood to mean that a driver must be released from duty after 14 hours. However, the hours-of-service rules only regulate *driving*, not working. A driver can do non-driving work beyond the 14-hour limit, just *no more driving*.

10 Consecutive Hours Off Duty

Ten (10) consecutive hours off duty, in a sleeper berth, or any combination of the two equaling 10 consecutive hours will re-set a driver's 11-hour driving and 14-hour on duty clocks.

The key word to remember is **CONSECUTIVE**.

60-Hour/7-Day Limit or 70-Hour/8-Day Limit [§395.3\(b\)](#) & [§395.5\(b\)](#)

Under the federal hours-of-service rules, the driver of a commercial motor vehicle may not *drive* after having been on duty for 60 hours in any 7 consecutive days or for 70 hours in any 8 consecutive days. A driver who has reached this limit must take time off before getting back behind the wheel. A driver can do non-driving work after reaching the limit and not be in violation, but those hours must be added to the total.

A company that does not operate commercial motor vehicles every day of the week *must* use the 60-hour/7-day schedule. A company that operates vehicles every day of the week *may* use the 60-hour/7-day schedule or 70-hour/8-day schedule.

Applies to All Commercial Motor Vehicles

The 7 consecutive days does not mean a week (Sunday through Saturday), it means *any 7-consecutive-day period*. Thus, a driver doesn't ever really "start over" counting total hours (unless the driver can take advantage of the "restart" option described below). The oldest day's hours just drop out of consideration as each new day's hours are added.

34-Hour Restart For Property Carriers ([§395.3\(c\)](#))

Drivers of *property-carrying* commercial motor vehicles involved in interstate commerce have an option that allows them to reset their accumulated on-duty time. This option, known as the 34-hour restart provision, says that once a driver has 34 **consecutive** hours off duty, he/she may "restart" the 7-consecutive-day (or 8-consecutive-day) period. After the 34-hour period, the on-duty hours worked before that 34-hour period started no longer have to be considered when calculating the driver's 60-hour (or 70-hour) limit.

Effective October 1, 2005, a driver can use the 34-hour restart option no matter how many hours have been accumulated against the 60 or 70-hour limits. Prior to that date, drivers had to be under the 60 or 70-hour limits before starting the 34-hour off-duty period.

100 Air-Mile Radius Driver [§395.1\(e\)](#)

A driver is not required to create a [standard log](#) if the following criteria are met:

1. The driver operates within a 100 air-mile radius of the normal work reporting location;
2. The driver returns to the work reporting location and *is released from work within 12 consecutive hours. If the driver exceeds the 12 consecutive hour limit on any given day, a driver record of duty status (log) is required for that day;*
3. A property-carrying commercial motor vehicle driver has at least 10 consecutive hours off duty separating each 12 hours on duty, and does not exceed 11 hours maximum driving time following 10 consecutive hours off duty;
4. A passenger-carrying commercial motor vehicle driver has at least 8 consecutive hours off duty separating each 12 hours on duty, and does not exceed 10 hours maximum driving time following 8 consecutive hours off duty;
5. The motor carrier maintains time records for 6 months showing:
 - The time the driver reports for duty each day;
 - The time the driver is released from duty each day;
 - Total number of hours on duty each day;

Applies to All Commercial Motor Vehicles

- Total time on duty for the preceding 7 days for drivers used for the first time or intermittently.
- Time records are not required for days on which the driver does not work. Drivers are not required to have copies of the time records in their possession.

A driver can cross a state line and still come under the 100 air-mile radius exemption, if the five criteria listed above are met.

A 100 air-mile radius driver is not exempt from the 60-hour/7-day or 70-hour/8-day limit. 100 air miles are equivalent to 115.08 statute miles.

16-Hour Short-Haul Exception [§395.1\(o\)](#)

For drivers of property-carrying commercial motor vehicles (CMVs) who drive locally, there is an exception to the 14-hour rule (which requires that drivers of property-carrying CMVs stop driving upon reaching the 14th consecutive hour after first coming on duty). The so-called "short-haul" exception *allows these drivers to extend the 14-hour period by two hours* once per week, under certain conditions. A driver can drive a CMV after the 14th hour after coming on duty, but not after the 16th hour, IF he or she:

- Was released from duty at the normal work reporting location for the previous 5 duty tours, and
- Returns to the normal work reporting location and is released from duty within 16 hours, and
- Has not used this exception in the previous 6 consecutive days, except following a 34-hour restart.

Drivers claiming this exception remain subject to the 11-hour driving limit, but they essentially have an extra two hours in which to complete that driving.

Note that a [34-hour restart](#) will allow a driver to use this exception more than once every 7 days, but a restart will not affect the requirement that the driver must have returned to the normal work reporting location for the previous 5 duty tours.

Short-haul drivers who normally use the 100-air-mile exception and do not complete a standard grid log will have to complete a log on days when they use the short-haul exception, because they are working beyond the 12-hour limit (see the [100-air-mile-radius driver](#) topic for more information).

Applies to All Commercial Motor Vehicles

Note: There is no definition of "short haul" or "normal work reporting location." These terms are generally understood to refer to drivers who start from and return to the same location on a daily basis.

Non-CDL-Driver Short-Haul Exception (150-Air-Mile Radius [§395.1\(e\)\(2\)](#))

For drivers of property-carrying commercial motor vehicles who stay within a 150-air-mile radius and are not required to carry a commercial driver's license (CDL), there is an exception to the record of duty status (log) and 14-hour rules, effective October 1, 2005.

Under this exception, drivers are allowed to extend the 14-hour period by 2 hours twice per week, and are allowed to maintain time records instead of logs.

Non-CDL drivers include those who operate property-carrying commercial motor vehicles that weigh more than 10,001 pounds but less than 26,000 pounds, including many box trucks and delivery vehicles.

Specific Requirements

A driver who operates a property-carrying commercial motor vehicle for which a CDL is not required under [Part 383](#) is exempt from the log requirements in [§395.8](#) and the 14-hour rule in [§395.3\(a\)\(2\)](#) if:

- The driver operates within a 150 air-mile radius (172.6 statute miles) of the location where the driver reports to and is released from work, i.e., the normal work reporting location; and
- The driver returns to the normal work reporting location at the end of each duty tour; and
- The driver does not drive after the 14th hour after coming on duty on 5 days of any period of 7 consecutive days, or after the 16th hour after coming on duty on 2 days of any period of 7 consecutive days; and
- The motor carrier that employs the driver maintains for 6 months accurate records showing the time the driver reports for duty each day, the total number of hours the driver is on duty each day, and the time the driver is released from duty each day (and the total time for the preceding 7 days for drivers used for the first time or intermittently, per [§395.8\(j\)\(2\)](#)).

Drivers using this exception remain subject, in effect, to the 10-hour off-duty rule, the 11-hour driving rule, and the 60/70-hour limits in [§395.3](#). A violation of those rules will negate the driver's ability to claim the exception.

Any 7-consecutive-day period may be reset with 34 consecutive hours off duty.